

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 04 OCT 2005

WIPO

PCT

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2005/002461

International filing date (day/month/year)  
23.06.2005

Priority date (day/month/year)  
25.06.2004

International Patent Classification (IPC) or both national classification and IPC  
B60Q9/00

Applicant  
NISSAN MOTOR CO., LTD

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Sallard, F

Telephone No. +49 89 2399-7299



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/002461

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-36
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-36
Industrial applicability (IA)	Yes: Claims	1-36
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V.**

1 Reference is made to the following documents:

D1 : US 3 381 269 A (LLOYD W. FIERBAUGH ET AL)

D2 : DE 298 08 977 U1 (TROMMLITZ, JOACHIM, 42651 SOLINGEN, DE)

**2 INDEPENDENT CLAIM 1**

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1 (column 1, lines 28-44; column 2, line 5 - column 4, line 56 and figures), which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses a warning system for providing a warning indication to a driver of a vehicle having an engine, the warning device including a power position detection device for detecting a vehicle power position, a gear shift position detection device for detecting a vehicle gear shift position, and a power position warning device for outputting a power position warning indication when the power position detection device and the gear shift position detection device detect that the power position is in a position other than showing IGNITION OFF.

2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the warning system includes an alighting detection device for detecting the driver's preparations for alighting from the vehicle and in that the power position warning outputs an indication when there are, in addition to the detection of a power position other than IGNITION OFF, preparations for alighting and the gear shift position is in a P (Park) range.

2.1.3 The problem to be solved by the present invention may therefore be regarded as an increase of the reliability of the warning system.

2.1.4 From D2 (page 4, line 5 - page 7, line 14 and figures), a warning system is known, said system comprises an alighting detection device for detecting the driver's preparations for alighting from the vehicle which is combined with a

gear shift position device to detect when the gear shift is or is not in a P (Park) range.

- 2.1.5 The skilled person would therefore combine the features disclosed in D1 and D2, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

**3. INDEPENDENTS CLAIMS 17, 19 and 35**

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 17, 19 and 35 which therefore are also considered not inventive.

**4. INDEPENDENT CLAIM 13**

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 13 does not involve an inventive step in the sense of Article 33(3)PCT.

- 4.1.1 Document D1 (column 1, lines 28-44; column 2, line 5 - column 4, line 56 and figures), which is considered to represent the most relevant state of the art to the subject matter of claim 13, discloses a warning system for providing a warning indication to a vehicle driver, the warning device including a power position detection device for detecting a vehicle power position, a gear shift position detection device for detecting a vehicle gear shift position, a gear shift position warning device for outputting a gear shift position warning indication of forgetting to return to a gear shift position in a P (Park) range when the engine is stopped, based on a result of the detection by the power position detection device and the gear shift position detection device, and a power position warning device for outputting a power position warning indication.

- 4.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the power position warning indication is output when the gear shift

position detection device detects that the gear shift position has moved to the P (Park) range during output of the gear shift position warning indication.

- 4.1.3 The problem to be solved by the present invention may therefore be regarded as an alternative design for a power position warning device.
- 4.1.4 Such an alternative is regarded as a normal design that would be followed by the skilled person without exercise of any inventive skills. Therefore, the subject-matter of claim 13 does not involve an inventive step.

**5. INDEPENDENTS CLAIMS 18, 31 AND 36**

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 18, 31 and 36 which therefore are also considered not inventive.

**6. DEPENDENT CLAIMS 2-12, 14-16, 20-30 AND 32-34**

Dependent claims 2-12, 14-16, 20-30 and 32-34 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see the documents and the corresponding passages cited in the search report.

**Re Item VII.**

- 1. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are

these documents identified therein.

**Re Item VIII.**

Claims 1, 13, 17, 18, 19, 31, 35 and 36 have been drafted as 4 independent product claims and as 4 independent method claims. They appear to relate to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

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Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Sallard, F

Telephone No. +49 89 2399-7299





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